

**REMARKS**

Claims 13-22 are pending. Claims 13 and 14 have been amended. Claims 1-12, 17 and 23-25 have been cancelled without prejudice. Claim 13 is the only independent claim.

Claims 13-22 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,520,821 (Ishii et al.). Applicant submits that amended claim 13 is patentable over the cited art for at least the following reasons.

Amended independent claim 13 is directed to an apparatus that includes: a substrate; at least one active element, the active element fabricated on the substrate; and an encapsulation cap attached to the substrate protecting and covering the element from environmental exposure. The element has been exposed to an exposure environment containing moisture in the form of water vapor for a specified period of time prior to the encapsulation cap being bonded, and the encapsulation cap traps a gas mixture between the element and the encapsulation cap, wherein the gas mixture includes at least one of oxygen atmospheric air and hydrogen.

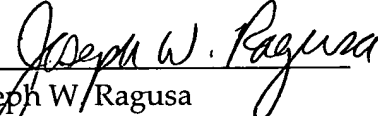
Ishii et al. shows an encapsulation of an organic EL device formed on a substrate. A cathode, an anode, the EL device, and a hollow portion are provided between the substrate and the encapsulation. Ishii's hollow portion is filled with a gas containing neither oxygen nor water. Col. 2, lines 47 and 48. On the other hand, in amended claim 13, the encapsulation contains oxygen, atmospheric air and hydrogen. For at least this reason, Ishii does not anticipate amended independent claim 13. Note that the gases contained in the encapsulation are *structural* elements of the device, which must be given patentable weight. For at least the foregoing reasons, amended claim 13 is believed clearly patentable over Ishii et al.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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